REMARKS

At the time of the Final Office Action dated September 28, 2005, claims 1-9 were

pending and rejected in this application. Claim 1 has been amended to clarify that messages are

posted to and retrieved from individual ones of a plurality of topics, and Applicant submits that

the present Amendment does not generate any new matter issue.

APPLICANT REQUESTS WITHDRAWAL OF THE FINALITY OF THE PRESENT OFFICE ACTION

Applicant submits that the present Office Action dated September 28, 2005, has

improperly been designated as final. M.P.E.P. § 706.07(a) clearly states:

> Furthermore, a second or any subsequent action on the merits in any application ... will not be made final if it includes a rejection, on newly cited art ... of any claim not amended by applicant or patent owner in spite of the fact that other claims may have been amended to require newly cited art. (emphasis added)

In the Office Action dated March 21, 2005, independent claim 1 was rejected under 35

U.S.C. § 102 as anticipated by Najmi. In the Amendment filed January 30, 2002, independent

claim 1 was not amended. However, in the present Office Action, claim 1 is rejected under 35

U.S.C. § 102 as anticipated by Hall. Thus, the Examiner has rejected claim 1, which was not

amended, on newly cited art (i.e., Hall). Therefore, despite the amendments to claims 2, 4 and 7,

it is improper under M.P.E.P. § 706.07(a) for the Examiner to designate the present Office

Action as final. On this basis, Applicant respectfully solicits withdrawal of the finality of the

present Office Action.

CLAIMS 1, 3, 5-6, AND 8-9 ARE REJECTED UNDER 35 U.S.C. § 102 AS BEING

ANTICIPATED BY HALL, U.S. PATENT NO. 6,026,396

On page 2 of the Office Action, the Examiner asserted that Hall identically discloses the invention corresponding to that claimed. This rejection is respectfully traversed.

Hall fails to teach subtopics associated with a topic

Each of independent claims 1, 6, and 8-9 introduce the concept of a plurality of topics and a plurality of subtopics associated with the topics. To teach the claimed "plurality of topics," the Examiner cited column 5, lines 42-43 and column 11, lines 18-21 of Hall. The Examiner's first cited passage refers to "messages to be posted are put on an E-mail host 154 or 156" and the second cited passage states:

> InfoMod's logging and threading facility helps acquire entries by recording and grouping messages sent to the list. This is illustrated in FIG. 4. A thread database 400 comprises threads 410, 420, 430, etc. . . . A thread 410 (group of messages on a given topic) typically has the form "question 412, response-1 414, response-2 416, . . . "

Therefore, it is apparent that the Examiner is asserting that "thread 410 (group of messages on a given topic)" corresponds to the claimed topic.

With regard to teaching the claimed plurality of subtopics associated with a topic, the Examiner cited column 9, lines 27-28. For ease of reference, column 9, lines 6-30 of Hall is reproduced below:

> In addition to moderating the mailing list, another feature of InfoMod is it provides a web interface to its knowledge and documentation repository. For example, when a user browses to "http://ListAgentHost/home.html.", he is presented with four top-level choices:

> Welcome to the InfoMod Home Page!

> * Overview
> What is InfoMod? And related introductory topics.
> * Queries
> Submit a query against the knowledge base or send a
> message to the list.
> * Knowledge Base

Browse the knowledge base entries directly.
* Documentation
Browse documentation of InfoMod and info-infomod.

Documentation takes the user to a directory containing standard documentation of in-depth subtopics, such as "doc/config" that describes the format and meaning of the moderator's configuration file.

As is readily apparent from this cited portion of Hall, the "subtopics" referred to be Hall have no relationship to the above-identified threads 410 (i.e., the asserted "topics"). Instead, the subtopics referred to by Hall are in "a directory of standard documentation" for a computer program named "InfoMod" (i.e., "a knowledge based E-mail list agent computer program or knowledge-based moderator," see column 5, lines 66-67). Thus, Hall fails to teach the claimed plurality of subtopics associated with a topic.

Hall fails to teach dynamic partitioning system partitioning the topics into subtopics

To teach the claimed "dynamic topic partitioning system configured to partition said at least one of said topics into said subtopics," as recited in claim 1, the Examiner referred to column 6, lines 46-52. This cited portion of Hall is reproduced below:

A list agent or automated moderator, in accordance with the principles of the present invention, is provided which periodically queries the ListMailHost 154 or 156 for new messages, receives the message, and (in its auto-response phase) examines its knowledge base 500 (see FIG. 5) of responses 510 in determining which of them it judges possibly relevant to the query.

This cited portion of Hall, however, fails to teach the above-identified claimed limitation. Instead, this passage cited by the Examiner discusses the use of a "list agent or automated moderator" that creates an automated reply message that is sent to a sender based upon the original message (see also column 6, lines 52-67). There is no teaching within this passage that a topic (associated with the message) is partitioned into subtopics, as claimed. Therefore, Hall fails to teach the claimed dynamic partitioning system partitioning the topics into subtopics.

Hall fails to teach a request processor, as recited in claim 6

The Examiner referred to column 9, line 51 through column 10, line 17, and stated that

Hall teaches:

> a request processor for processing system requests in individual threads of execution as the "five exemplary message processors" that "forward it [messages] to all list members" so that messages are "filtered out"

The request processor, as recited in claim 6, converts requests regarding selected topics to

requests regarding associated subtopics in a subtopic store. As already noted by Applicant, Hall

fails to teach or suggest subtopics associated with a topic. Moreover, the teachings found in

column 9, line 51 through column 10, line 17 of Hall are only directed to message handling

functions unrelated to the claimed converting requests as to selected topics to requests as to

associated subtopics in a subtopic store. Therefore, Hall fails to teach this claimed limitation.

Hall fails to teach associating message request for a selected topic with a plurality of

subtopics created for the selected topic, as recited in claims 8 and 9

Similar to the prior limitation regarding the request processor, the Examiner cited column

9, line 53 through column 10, line 14 and asserted that:

> Hall teaches a plurality of threads of execution each said thread hosting a process for communication a message between one of said subtopics in said at least one message server and a message subscriber

As previously noted, Hall fails to teach or suggest subtopics associated with a topic, and the

teaching found in column 9, line 53 through column 10, line 14 of Hall are unrelated to the

claimed feature identified above. Thus, Hall fails to teach this claimed limitation. Therefore, for

the reasons stated above, Applicant respectfully solicits withdrawal of the imposed rejection of

claims 1, 3, 5-6, and 8-9 under 35 U.S.C. § 102 for anticipation based upon Hall.

CLAIMS 2, 4 AND 7 ARE REJECTED UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS BASED UPON HALL IN VIEW OF NAJMI, U.S. PATENT NO. 6,753,889

On page 3 of the Office Action, the Examiner concluded that one having ordinary skill in the art would have been motivated to modify Hall in view of Najmi to arrive at the claimed invention. This rejection is respectfully traversed.
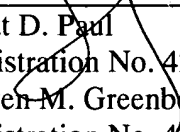
Claims 2, 4, and 7 depend ultimately from independent claims 1 or 6, and Applicant incorporate herein the arguments previously advanced in traversing the imposed rejection of claims 1 and 6 under 35 U.S.C. § 102 for anticipation based upon Hall. The secondary reference to Najmi does not cure the argued deficiencies of Hall. Accordingly, the proposed combination of references would not yield the claimed invention. Applicant, therefore, respectfully submits that the imposed rejection of claims 2, 4, and 7 under 35 U.S.C. § 103 for obviousness based upon Hall in view of Najmi is not viable and, hence, solicits withdrawal thereof.

Applicant has made every effort to present claims which distinguish over the prior art, and it is believed that all claims are in condition for allowance. However, Applicant invites the Examiner to call the undersigned if it is believed that a telephonic interview would expedite the prosecution of the application to an allowance. Accordingly, and in view of the foregoing remarks, Applicant hereby respectfully requests reconsideration and prompt allowance of the pending claims.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is

hereby made. Please charge any shortage in fees due in connection with the filing of this paper,

including extension of time fees, to Deposit Account 09-0461, and please credit any excess fees to

such deposit account.

Date: November 28, 2005   Respectfully submitted,

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